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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,732	02/27/2001	Wilhelmus Gerardus Petrus Mooij	82032-0005	9900

7590 07/27/2004

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
12400 Wilshire Boulevard  
7th Floor  
Los Angeles, CA 90025

EXAMINER

COLIN, CARL G

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/763,732	MOOIJ ET AL.
	Examiner Carl Colin	Art Unit 2136
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b>		
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>27 February 2001</u> .		
2a) <input type="checkbox"/> This action is <b>FINAL</b> .                    2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-15</u> is/are pending in the application.		
4a) Of the above claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-15</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input checked="" type="checkbox"/> The specification is objected to by the Examiner.		
10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>25 February 2001</u> is/are: a) <input type="checkbox"/> accepted or b) <input checked="" type="checkbox"/> objected to by the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.		
If approved, corrected drawings are required in reply to this Office action.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
<b>Priority under 35 U.S.C. §§ 119 and 120</b>		
13) <input checked="" type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input checked="" type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input checked="" type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
* See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).		
a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input checked="" type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
<b>Attachment(s)</b>		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6/5/2002</u> .		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____.		

## **DETAILED ACTION**

1. In response to communications filed on 2/27/2001, applicant has pre-amended claims 7-9 and 12-14, Pursuant to USC 131, claims 1-15 are presented for examination.

### *Specification*

2. The abstract of the disclosure is objected to because it is too long and contains the phrase "said protocol". Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Drawings*

3. Figure 3 is objected to as failing to comply with 37 CFR 1.84(p)(4) because the following reference numbers are not consistent with the drawings: on page 5, lines 22, 25, and 32, reference number 16 describes a control device whereas the drawing refers to a virtual machine. Applicant is required to carefully review the application to correct such errors.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Objections***

4. **Claims 3 and 6** and the intervening claims are objected to because of the following informalities: in order to avoid rendering the claim indefinite, the term “adapted to” should be corrected because it is not a positive limitation. Appropriate correction is required.

4.1 **Claims 1, 3, and 10 and the intervening claims** are objected to for lack of indentation of limitation. See MPEP § 608.01(m). Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

**Claim 15** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5.1 Regarding **claim 15**, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6.1 **Claims 1-15** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,157,721 to **Shear et al.**

6.2 **As per claims 1 and 15, Shear et al.** discloses a system for providing encrypted data to be used in a content player, comprising an encryption device for encrypting data using an encryption algorithm, for example (see column 20, lines 25-36 and lines 1-11), a protection device for providing secure device data, and for providing information on a protocol for

communication between the content player and a secure device, for example (see column 8, lines 14-50 and column 20, lines 25-36), and a control device for providing a protected contents containing the encrypted data, the secure device data, said protocol information and attribute data on the different parts inside the protected contents, for example (see column 9, line 42 through column 10, line 65 see also column 20, lines 36-67).

**As per claim 2, Shear et al.** discloses the limitation of wherein said protection device provides at least one secure device applet containing said information on a protocol for communication, for example (see column 3, lines 15-35 and column 5, lines 25-67 and column 8, lines 14-50).

**As per claims 3 and 10, Shear et al.** discloses a method and system for decrypting encrypted data in a content player, comprising an input for receiving encrypted data containing encrypted contents, secure device data, information on a protocol for communication between the content player and a secure device, for example (see column 8, lines 14-50 and column 20, lines 25-36), and attribute data on the different parts inside the protected contents, a decryption device and a control device, wherein the control device is programmed to use said protocol information to establish a communication interface between the decryption device and a secure device used with the content player, for example (see column 13, line 50 through column 14, line 5 and column 14, lines 39-60). wherein the decryption device is adapted to communicate with the secure device as controlled by the protocol information to obtain information required to decrypt the encrypted data, for example (see column 14, lines 49-60 and column 16, lines 51-63). **Shear**

**et al.** discloses a protected processing environment that decrypts data that meets the recitation of a decrypting device and also discloses a SPU that can perform encryption and decryption as a decrypting device.

**As per claims 4 and 11, Shear et al.** discloses the limitation of wherein said protocol information is provided as a secure device applet, wherein the control device is programmed to operate as a virtual machine to execute the secure device applet to establish said communication interface, for example (see column 3, lines 15-35 and column 5, lines 25-67).

**As per claim 5, Shear et al.** discloses the limitation of wherein at least one secure device applet in the protected contents is authenticated, wherein the control device comprises an applet loader for verifying the authentication of a secure device applet, wherein only a verified secure device applet is loaded into the virtual machine, for example (see column 5, line 25 through column 6, line 15 and column 20, lines 26-57).

**As per claim 6, Shear et al.** discloses the limitation of wherein at least one secure device applet in the protected contents is encrypted, wherein the applet loader is adapted to decrypt an encrypted secure device applet, for example (see column 20, lines 1-25).

**As per claim 7, Shear et al.** discloses the limitation of using a separate communication path for secure data, which is disclosed in detail in Ginter et al. patent and also discloses open communication that can be used for less secure data transmission that meets the recitation of

wherein the virtual machine comprises a content player application program interface and a security application program interface, the secure device applet communicating with the content player and the secure device by means of said interfaces, for example (see column 4, lines 22-50 and column 18, lines 4-40; see also column 8, lines 40-67).

**As per claims 8 and 12, Shear et al.** discloses the limitation of wherein the control device is arranged to determine the type of secure device used in the system/player, wherein the control device is arranged to retrieve a secure device applet from the protected contents corresponding with the type of secure device, for example (see column 16, lines 37-44 and column 18, line 32 through column 19, line 32; see also column 20, line 26 through column 21, line 7).

**As per claims 9 and 13, Shear et al.** discloses the limitation of wherein the system is part of a content player connected to a network, wherein the control device is arranged to determine the type of secure device used in the system, and wherein the control device is arranged to request a corresponding secure device applet to be downloaded from a service provider, for example (see column 16, lines 37-44; and column 18, line 32 through column 19, line 32; see also column 20, line 26 through column 21, line 7).

**As per claim 14, Shear et al.** discloses the limitation of wherein said protocol information or secure device applet is authenticated, further comprising verifying the authentication, and using only verified protocol information or a verified secure device applet to establish

said communication interface, for example (see column 5, line 25 through column 6, line 15 and column 20, lines 26-57).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses distribution of encrypted data using secure device applet.

US Patents:	6,105,008	Davis et al.
	5,058,162	Santon et al.
	6,157,966	Montgomery et al.

7.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 703-305-0355. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*cc*  
Carl Colin

Patent Examiner

July 14, 2004

*Ayaz Sheikh*  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100